

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Edmond Gasaway,

Petitioner,

v.

Louis W Winn, Jr.,

Respondent.

No. CV-13-00906-TUC-RCC

**ORDER**

Pending before the Court is a Report and Recommendation (“R & R”) prepared by Magistrate Judge Charles R. Pyle. Doc. 22. Magistrate Judge Pyle recommends that the Court denies Petitioner Edmond Gasaway’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Gasaway has filed an objection and Respondent has submitted a reply. For the foregoing reasons, the Court shall adopt the R & R.

The duties of the district court, when reviewing a R & R of a Magistrate Judge, are set forth in Rule 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). The district court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Fed.R.Civ.P. 72(b), 28 U.S.C. § 636(b)(1). When the parties object to a R & R, “[a] judge of the [district] court shall make a de novo determination of those portions of the [R & R] to which objection is made.” 28 U.S.C. § 636(b)(1); *see Thomas v. Arn*, 474 U.S. 140 (1985). However, in the absence of a timely objection, the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed.R.Civ.P.

1 72(b), Advisory Committee Notes (1983); *see also United States v. Reyna-Tapia*, 328  
2 F.3d 1114, 1121 (9th Cir. 2003).

3 The factual background in this case is thoroughly detailed in Magistrate Judge  
4 Pyle's R & R. This Court fully incorporates by reference the Background and Discussion  
5 sections of the R & R into this Order.

6 In his objection to the R & R, Gasaway simply states that "[b]ased on the facts of  
7 the corrupted officers (sic) conduct and the report filed with the IAO, Petitioner's writ of  
8 habeas corpus should be granted." Because Gasaway raises no actual objections to the R  
9 & R and this Court finds no clear error, this Court shall adopt the R & R.

10 Accordingly,

11 **IT IS HEREBY ORDERED** that Magistrate Judge Pyle's Report and  
12 Recommendation is **adopted**. Petitioner Gasaway's petition is **denied**. Doc. 22.

13 Dated this 28th day of July, 2016.

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18 Raner C. Collins  
19 Chief United States District Judge  
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